

Executive Orders

EO 13368

by a party against the United States, its departments, agencies, or entities, its officers or employees, or any other person.

GEORGE W. BUSH

The White House,
December 17, 2004.

Executive Order 13367 of December 21, 2004

United States-Mexico Border Health Commission

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288) (the “Act”), and having found that the United States participates in the United States-Mexico Border Health Commission (USMBHC) pursuant to the United-States Mexico Border Health Commission Act, Public Law 103–400 (22 U.S.C. 290n *et seq.*), I hereby designate the USMBHC as a public international organization for purposes of the International Organizations Immunities Act. I hereby extend to members and employees of the Mexican Section of the USMBHC the same privileges, exemptions, and immunities as are accorded under similar circumstances to officers and employees, respectively, of foreign governments with regard to the laws regulating entry into and departure from the United States as provided for in section 7(a) of the Act (22 U.S.C. 288d(a)). No other privileges, exemptions, or immunities of the Act are extended under this order.

This designation is not intended to abridge in any respect privileges, exemptions, or immunities that the USMBHC otherwise may have acquired or may acquire by law.

GEORGE W. BUSH

The White House,
December 21, 2004.

Executive Order 13368 of December 30, 2004

Adjustments of Certain Rates of Pay

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the laws cited herein, it is hereby ordered as follows:

Section 1. Statutory Pay Systems. The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303(a), are set forth on the schedules attached hereto and made a part hereof: (a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1; (b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and (c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. *Senior Executive Service.* The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5 U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. *Certain Executive, Legislative and Judicial Salaries.* The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5312–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), section 140 of Public Law 97–92, and section 306 of Division B of Public Law 108–447) at Schedule 7.

Sec. 4. *Uniformed Services.* Pursuant to section 601(a)–(b) of Public Law 108–375, the rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. *Locality-Based Comparability Payments.* (a) Pursuant to section 5304 of title 5, United States Code, and section 640 of Division H of Public Law 108–447, locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the **Federal Register**.

Sec. 6. *Administrative Law Judges.* The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. *Effective Dates.* Schedule 8 is effective on January 1, 2005. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2005.

Sec. 8. *Prior Order Superseded.* Executive Order 13332 of March 3, 2004, is superseded.

GEORGE W. BUSH

The White House,
December 30, 2004.

SCHEDULE 1--GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

	1	2	3	4	5	6	7	8	9	10
GS-1	\$16,016	\$16,550	\$17,083	\$17,613	\$18,146	\$18,459	\$18,984	\$19,515	\$19,537	\$20,036
GS-2	18,007	18,435	19,031	19,537	19,755	20,336	20,917	21,498	22,079	22,660
GS-3	19,647	20,302	20,957	21,612	22,267	22,922	23,577	24,232	24,887	25,542
GS-4	22,056	22,791	23,526	24,261	24,996	25,731	26,466	27,201	27,936	28,671
GS-5	24,677	25,500	26,323	27,146	27,969	28,792	29,615	30,438	31,261	32,084
GS-6	27,507	28,424	29,341	30,258	31,175	32,092	33,009	33,926	34,843	35,760
GS-7	30,567	31,586	32,605	33,624	34,643	35,662	36,681	37,700	38,719	39,738
GS-8	33,852	34,980	36,108	37,236	38,364	39,492	40,620	41,748	42,876	44,004
GS-9	37,390	38,636	39,882	41,128	42,374	43,620	44,866	46,112	47,358	48,604
GS-10	41,175	42,548	43,921	45,294	46,667	48,040	49,413	50,786	52,159	53,532
GS-11	45,239	46,747	48,255	49,763	51,271	52,779	54,287	55,795	57,303	58,811
GS-12	54,221	56,028	57,835	59,642	61,449	63,256	65,063	66,870	68,677	70,484
GS-13	64,478	66,627	68,776	70,925	73,074	75,223	77,372	79,521	81,670	83,819
GS-14	76,193	78,733	81,273	83,813	86,353	88,893	91,433	93,973	96,513	99,053
GS-15	89,625	92,613	95,601	98,589	101,577	104,565	107,553	110,541	113,529	116,517

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SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

Step	Class 1	Class 2	Class 3	Class 4	Class 5	Class 6	Class 7	Class 8	Class 9
1	\$89,625	\$72,622	\$58,845	\$47,682	\$38,636	\$34,540	\$30,878	\$27,604	\$24,677
2	92,314	74,801	60,610	49,112	39,795	35,576	31,804	28,432	25,417
3	95,083	77,045	62,429	50,586	40,989	36,643	32,758	29,285	26,180
4	97,936	79,356	64,302	52,103	42,219	37,743	33,741	30,164	26,965
5	100,874	81,737	66,231	53,667	43,485	38,875	34,753	31,069	27,774
6	103,900	84,189	68,217	55,277	44,790	40,041	35,796	32,001	28,607
7	107,017	86,714	70,264	56,935	46,133	41,243	36,870	32,961	29,466
8	110,227	89,316	72,372	58,643	47,517	42,480	37,976	33,949	30,350
9	113,534	91,995	74,543	60,402	48,943	43,754	39,115	34,968	31,260
10	116,517	94,755	76,779	62,214	50,411	45,067	40,289	36,017	32,198
11	116,517	97,598	79,083	64,081	51,924	46,419	41,497	37,097	33,164
12	116,517	100,526	81,455	66,003	53,481	47,811	42,742	38,210	34,159
13	116,517	103,542	83,899	67,983	55,086	49,246	44,025	39,357	35,184
14	116,517	106,648	86,416	70,023	56,738	50,723	45,345	40,537	36,239

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**SCHEDULE 3--VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS**

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)*

Deputy Under Secretary for Health	\$152,207	**
Associate Deputy Under Secretary for Health	145,786	***
Assistant Under Secretaries for Health	141,488	***

	<u>Minimum</u>	<u>Maximum</u>
Medical Directors	\$120,718	\$136,818 ***
Service Directors	105,113	130,543
Director, National Center for Preventive Health	89,625	130,543

Physician and Dentist Schedule

Director Grade	\$105,113	\$130,543
Executive Grade	97,061	123,701
Chief Grade	89,625	116,517
Senior Grade	76,193	99,053
Intermediate Grade	64,478	83,819
Full Grade	54,221	70,484
Associate Grade	45,239	58,811

Clinical Podiatrist, Chiropractor, and Optometrist Schedule

Chief Grade	\$89,625	\$116,517
Senior Grade	76,193	99,053
Intermediate Grade	64,478	83,819
Full Grade	54,221	70,484
Associate Grade	45,239	58,811

Physician Assistant and Expanded-Function
Dental Auxiliary Schedule ****

Director Grade	\$89,625	\$116,517
Assistant Director Grade	76,193	99,053
Chief Grade	64,478	83,819
Senior Grade	54,221	70,484
Intermediate Grade	45,239	58,811
Full Grade	37,390	48,604
Associate Grade	32,175	41,832
Junior Grade	27,507	35,760

- * This schedule does not apply to the Assistant Under Secretary for Nursing Programs or the Director of Nursing Services. Pay for these positions is set by the Under Secretary for Health under 38 U.S.C. 7451.
- ** Pursuant to section 3 of Public Law 108-445 and section 7404(d)(1) of title 38, United States Code, the rate of basic pay payable to this employee is limited to the rate for level IV of the Executive Schedule, which is \$140,300.
- *** Pursuant to section 3 of Public Law 108-445 and section 7404(d)(2) of title 38, United States Code, the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is \$131,400.
- **** Pursuant to section 301(a) of Public Law 102-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b) as in effect on August 14, 1990, with subsequent adjustments.

SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

	<u>Minimum</u>	<u>Maximum</u>
Agencies with a Certified SES Performance Appraisal System	\$107,550	\$162,100
Agencies without a Certified SES Performance Appraisal System	\$107,550	\$149,200

SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

Level I	\$180,100
Level II	162,100
Level III.	149,200
Level IV	140,300
Level V	131,400

SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

Vice President	\$208,100
Senators	162,100
Members of the House of Representatives.	162,100
Delegates to the House of Representatives.	162,100
Resident Commissioner from Puerto Rico	162,100
President pro tempore of the Senate.	180,100
Majority leader and minority leader of the Senate.	180,100
Majority leader and minority leader of the House of Representatives	180,100
Speaker of the House of Representatives.	208,100

SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

Chief Justice of the United States	\$208,100
Associate Justices of the Supreme Court.	199,200
Circuit Judges	171,800
District Judges.	162,100
Judges of the United States Court of International Trade	162,100

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SCHEDULE 8-PAY OF THE UNIFORMED SERVICES
(Effective on January 1, 2005)

Part I-MONTHLY BASIC PAY

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
COMMISSIONED OFFICERS															
O-10**	-	-	-	-	-	-	-	-	-	-	-	\$12,963.00*	\$13,026.60*	\$13,297.50*	\$13,769.40*
O-9	-	-	-	-	-	-	-	-	-	-	-	11,337.90	11,501.10	11,737.20	12,149.10
O-8	\$8,022.30	\$8,285.10	\$8,459.40	\$8,508.30	\$8,725.50	\$9,089.40	\$9,173.70	\$9,519.00	\$9,618.00	\$9,915.30	\$10,345.50	10,742.40	11,007.60	11,237.20	11,607.60
O-7	6,666.00	6,975.60	7,119.00	7,233.00	7,439.10	7,642.50	7,878.30	8,113.50	8,349.00	8,589.40	8,834.60	9,074.60	9,314.60	9,554.60	9,794.60
O-6	4,940.70	5,427.90	5,784.00	5,784.00	5,805.90	6,054.90	6,087.90	6,333.80	6,433.80	6,684.50	6,834.50	7,084.50	7,334.50	7,584.50	7,834.50
O-5	4,118.70	4,639.80	4,961.10	5,021.40	5,221.50	5,341.80	5,605.50	5,799.00	6,048.60	6,431.10	6,613.20	6,793.40	6,973.70	7,153.70	7,333.70
O-4	3,553.80	4,113.90	4,388.40	4,449.60	4,704.30	4,977.60	5,317.50	5,582.70	5,766.60	5,872.20	5,933.70	5,933.70	5,933.70	5,933.70	5,933.70
O-3***	3,124.50	3,542.10	3,823.20	4,168.20	4,367.70	4,586.70	4,728.60	4,962.00	5,083.20	5,083.20	5,083.20	5,083.20	5,083.20	5,083.20	5,083.20
O-2****	2,699.40	3,074.70	3,541.20	3,660.90	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20	3,736.20
O-1****	2,343.60	2,439.00	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10	2,948.10

**COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE
AS AN ENLISTED MEMBER AND/OR WARRANT OFFICER******

O-3E	-	-	-	\$4,168.20	\$4,367.70	\$4,586.70	\$4,728.60	\$4,962.00	\$5,158.50	\$5,271.00	\$5,424.60	\$5,424.60	\$5,424.60	\$5,424.60	\$5,424.60
O-2E	-	-	-	3,660.90	3,736.20	3,855.30	4,055.70	4,211.10	4,326.60	4,326.60	4,326.60	4,326.60	4,326.60	4,326.60	4,326.60
O-1E	-	-	-	2,948.10	3,148.80	3,264.90	3,383.70	3,500.70	3,660.90	3,660.90	3,660.90	3,660.90	3,660.90	3,660.90	3,660.90

* Basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is \$12,433.20 per month.

** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in section 161(c) of title 10, United States Code), basic pay for this grade is calculated to be \$15,146.40 per month, regardless of cumulative years of service computed under section 205 of title 37, United States Code. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level III of the Executive Schedule, which is \$12,433.20 per month.

*** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer.

**** Reservists with at least 1,460 points as an enlisted member and/or warrant officer which are creditable toward reserve retirement also qualify for these rates.

SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 2)

YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

Pay Grade	2 or less	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 26
WARRANT OFFICERS															
W-5	-	-	-	-	-	-	-	-	-	-	-	\$5,548.20	\$5,738.40	\$5,929.20	\$6,121.20
W-4	\$3,228.60	\$3,473.40	\$3,573.30	\$3,671.40	\$3,840.30	\$4,007.10	\$4,176.30	\$4,341.00	\$4,511.70	\$4,779.00	\$4,950.00	\$5,117.40	\$5,290.80	\$5,461.80	\$5,636.40
W-3	2,948.40	3,071.70	3,197.40	3,238.80	3,371.10	3,522.30	3,721.80	3,918.90	4,128.30	4,285.50	4,442.10	4,509.30	4,578.90	4,730.10	4,881.30
W-2	2,593.50	2,741.70	2,871.30	2,965.50	3,046.20	3,268.20	3,438.00	3,564.00	3,687.00	3,771.30	3,842.40	3,977.40	4,111.50	4,247.40	4,247.40
W-1	2,290.20	2,477.70	2,603.10	2,684.40	2,900.40	3,030.90	3,146.40	3,275.40	3,360.90	3,438.30	3,564.30	3,659.70	3,659.70	3,659.70	3,659.70
ENLISTED MEMBERS															
E-9 *	-	-	-	-	-	-	\$3,901.20	\$3,989.70	\$4,101.00	\$4,232.40	\$4,364.10	\$4,575.90	\$4,755.00	\$4,943.70	\$5,231.70
E-8	-	-	-	-	-	\$3,193.50	3,334.80	3,422.10	3,527.10	3,640.50	3,845.40	3,949.20	4,125.90	4,224.00	4,465.20
E-7	\$2,220.00	\$2,423.10	\$2,515.80	\$2,638.80	\$2,734.50	2,899.50	2,992.20	3,084.60	3,249.60	3,332.40	3,410.70	3,458.70	3,620.40	3,725.10	3,990.00
E-6	1,920.30	2,112.60	2,205.90	2,296.50	2,391.00	2,604.30	2,687.10	2,779.20	2,859.90	2,888.70	2,908.20	2,908.20	2,908.20	2,908.20	2,908.20
E-5	1,759.50	1,877.10	1,967.70	2,060.70	2,205.30	2,329.80	2,421.60	2,450.70	2,450.70	2,450.70	2,450.70	2,450.70	2,450.70	2,450.70	2,450.70
E-4	1,612.80	1,695.60	1,787.10	1,877.70	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80	1,957.80
E-3	1,456.20	1,547.70	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00	1,641.00
E-2	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50	1,384.50
E-1 **	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10	1,235.10
E-1 ***	1,142.70	-	-	-	-	-	-	-	-	-	-	-	-	-	-

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, or Sergeant Major of the Marine Corps, basic pay for this grade is \$6,304.20 per month, regardless of cumulative years of service under section 205 of title 37, United States Code.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.

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SCHEDULE 8-PAY OF THE UNIFORMED SERVICES (PAGE 3)

Part II-RATE OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by section 203(c) of title 37, United States Code, is \$820.20.

Note: As a result of the enactment of sections 602-694 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.

SCHEDULE 9---LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

<u>Locality Pay Area¹</u>	<u>Rate</u>
Atlanta-Sandy Springs-Gainesville, GA-AL.	13.87%
Boston-Worcester-Manchester, MA-NH-ME-RI.	18.49%
Chicago-Naperville-Michigan City, IL-IN-WI.	19.70%
Cincinnati-Middletown-Wilmington, OH-KY-IN	16.04%
Cleveland-Akron-Elyria, OH	14.24%
Columbus-Marion-Chillicothe, OH	13.98%
Dallas-Fort Worth, TX	15.07%
Dayton-Springfield-Greenville, OH	12.86%
Denver-Aurora-Boulder, CO	18.06%
Detroit-Warren-Flint, MI	19.67%
Hartford-West Hartford-Willimantic, CT-MA	19.52%
Houston-Baytown-Huntsville, TX	24.77%
Huntsville-Decatur, AL.	12.42%
Indianapolis-Anderson-Columbus, IN.	12.01%
Kansas City-Overland Park-Kansas City, MO-KS.	12.36%
Los Angeles-Long Beach-Riverside, CA.	21.65%
Miami-Fort Lauderdale-Miami Beach, FL	16.77%
Milwaukee-Racine-Waukesha, WI	13.62%
Minneapolis-St. Paul-St. Cloud, MN-WI	15.99%
New York-Newark-Bridgeport, NY-NJ-CT-PA	20.99%
Orlando-The Villages, FL.	11.75%
Philadelphia-Camden-Vineland, PA-NJ-DE-MD	16.67%
Pittsburgh-New Castle, PA	12.86%
Portland-Vancouver-Beaverton, OR-WA	15.93%
Richmond, VA.	13.15%
Sacramento--Arden-Arcade--Truckee, CA-NV	16.51%
St. Louis-St. Charles-Farmington, MO-IL	12.09%
San Diego-Carlsbad-San Marcos, CA	17.68%
San Jose-San Francisco-Oakland, CA	26.39%
Seattle-Tacoma-Olympia, WA.	16.53%
Washington-Baltimore-Northern Virginia, DC-MD-PA-VA-WV.	15.98%
Rest of U.S.	11.72%

SCHEDULE 10-ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period
beginning on or after January 1, 2005)

AL-3/A	\$93,500
AL-3/B	100,600
AL-3/C	107,800
AL-3/D	115,000
AL-3/E	122,200
AL-3/F	129,300
AL-2	136,600
AL-1	140,300

¹Locality Pay Areas are defined in 5 CFR 531.603.

OTHER PRESIDENTIAL DOCUMENTS

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Subchapter B— Administrative Orders

Notice of January 5, 2004

Continuation of the National Emergency With Respect to Libya

On January 7, 1986, by Executive Order 12543, President Reagan declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Libya. On January 8, 1986, by Executive Order 12544, the President took additional measures to block Libyan assets in the United States. The President has transmitted a notice continuing this emergency to the Congress and the **Federal Register** every year since 1986.

The crisis between the United States and Libya that led to the declaration of a national emergency on January 7, 1986, has not been fully resolved, although there have been some positive developments.

On September 12, 2003, the United Nations Security Council adopted Resolution 1506 (UNSCR 1506), ending the United Nations sanctions against Libya. These U.N. sanctions were imposed in 1992 and 1993 as a result of Libyan involvement in the terrorist bombings of Pan Am 103 in 1988 and UTA 772 in 1989, and included travel restrictions, an arms embargo, and financial sanctions. The UNSCR 1506 lifted these sanctions after Libya addressed the requirements of the relevant UNSC Resolutions, including accepting responsibility for the actions of its officials in the Pan Am 103 attack and arranging to compensate the families of the victims. The United